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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/432,691	05/02/95	PARKER	T P000-211-1-N

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805 THIRD AVENUE
NEW YORK NY 10022

12M2/0517

JORDAN, EXAMINER

ART UNIT PAPER NUMBER

1205
DATE MAILED:

05/17/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents



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[REDACTED] EXAMINER

[REDACTED] ART UNIT PAPER NUMBER

8

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

DATE MAILED:

This application has been examined Responsive to communication filed on August 21 and October 11, 1995 This action is made final.

A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.
Failure to respond within the time period will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENTS ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 23-31 are pending in the application.
Of the above claims, are withdrawn from consideration.
2. Claims 1-22 have been cancelled.
3. Claims are allowed.
4. Claims 23-26 and 28-30 are rejected.
5. Claims 27 and 31 are objected to.
6. Claims are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner. disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed on has been approved. disapproved (see explanation).
12. Acknowledgment is made of the claim for priority under 35 USC 119. The certified copy has been received not been received been filed in parent application, serial no. ; filed on .
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

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Claims 23-31 are pending in this application.

Claims 23-26 and 28-30 are rejected under 35 U.S.C. § 103 as being unpatentable over Morton et al. (R) for reasons already of record.

The applicants' remarks have been considered but are unpersuasive. Applicants' argue that the 2.3% by weight TG disclosed by the reference is significantly lower than the 7% minimum required by the claims. This is not persuasive as applicants have not demonstrated the criticality of the presence of 7% or greater TG. As 2.3% is not seen to differ greatly from 7% the composition claims remain obvious from the Morton et al. reference.

The remaining references listed on the enclosed PTO-1449 are cited to show the state of the art.

Claims 27 and 31 are objected to as being dependent upon rejected base claims.

No claims are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

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MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jordan whose telephone number is (703) 308-4611. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



KIMBERLY JORDAN
PRIMARY EXAMINER
GROUP 1200

JORDAN:jd
MAY 09, 1996